



Turkmenistan

Country Reports on Human Rights Practices - [2001](#)

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Turkmenistan is a one-party state dominated by its president and his closest advisers, who continued to exercise power in a Soviet-era authoritarian style despite Constitutional provisions nominally establishing a democratic system. The seriously flawed December 1999 parliamentary (Mejlis) elections and the 1999 passage of a law exempting President Saparmurat Niyazov from term limits were backward steps. Niyazov, head of the Turkmen Communist Party since 1985 (renamed the Democratic Party in 1992) and President of Turkmenistan since its independence in 1991, legally may remain in office until his death, although he has publicly announced his intention to step down in 2010. Niyazov retained his monopoly on political power and on the Democratic Party, which remained the sole political party in the country. Emphasizing stability and gradual reform, official nation-building efforts continued to focus on fostering Turkmen nationalism and the glorification of President Niyazov. The 50-member unicameral Parliament (Mejlis) has no genuinely independent authority, and in practice the President controls the judicial system.

The Committee on National Security (KNB) has the responsibilities formerly held by the Soviet Committee for State Security (KGB); primarily to ensure that the regime remains in power through the tight control of society and the suppression of dissent. During the year, the President gave the Chairman of the KNB additional responsibilities to supervise both the military and the Ministry of Foreign Affairs. The KNB reportedly exercised wide discretion over issues such as exit visas and Internet access and worked to limit personal freedoms. The Ministry of Internal Affairs directs the criminal police, which work closely with the KNB on matters of national security. During the year, members of the KNB and the Ministry of Internal Affairs were appointed to positions by the President in other ministries. Both forces committed human rights abuses.

The country has a total population officially estimated at 5 million. It is largely a desert with cattle and sheep raising, intensive agriculture in irrigated areas, and huge oil and gas reserves. The country's economy remained dependent on central planning mechanisms and state control, although the Government has taken a number of small steps to make the transition to a market economy. Agriculture, particularly cotton cultivation, accounts for nearly half of total employment. Gas, oil and gas derivatives, and cotton account for almost all of the country's export revenues. Most of the workforce is engaged in agriculture. There are few reliable statistics available on standard of living. Anecdotal evidence indicates the standard of living is not high. The Government released figures for gross domestic product (GDP) growth in 2000 (17.6 percent) and at year's end (20 percent), which were inflated. There were no reliable statistics for the GDP and its growth. GDP was estimated at approximately \$2 billion during the year.

The Government's human rights record remained extremely poor; however, there were some minor improvements. The Government continued to commit serious human rights abuses, and the authorities severely restricted political and civil liberties. Citizens did not have the ability to change their government peacefully. The Government registered no parties during the year and continued to repress all opposition political activities. Security forces continued to beat and otherwise mistreat suspects and prisoners. Arbitrary arrest and detention were problems. Both the criminal police and the KNB operated with relative impunity and abused the rights of individuals as well as enforced the Government's policy of repressing the political opposition. Prison conditions remained poor and unsafe. The judiciary was not independent. Prolonged pretrial detention and unfair trials remained problems. Approximately 9,000 prisoners were amnestied at year's end, and another 9,000 received reduced sentences. Interference with citizens' privacy remained a problem. The Government held at least one political prisoner. The Government continued to demolish large numbers of private homes; many displaced homeowners received little or no compensation for their loss. The Government sought to limit marriages between citizens and foreigners.

The Government severely restricts freedom of speech and does not permit freedom of the press. The

Government completely controlled the media, censored all newspapers, and never permitted independent criticism of government policy. The only Internet provider is state-owned Turkmen Telecom. Criticism of officials was only permitted if it was directed at those who have fallen out of favor with the President. The media further intensified its focus on President Niyazov, the subject of a personality cult throughout the country. Academic freedom declined. The Government restricted freedom of assembly and association. The Government continued to place limitations on the activities of nongovernmental groups, including minority religious groups, most of which were unable to register with the government. The Government exercised control over religious expression. Adherents of unregistered religions were subject to various forms of harassment including arrests and abuse. The Government restricted freedom of movement within the country and travel abroad to all citizens of the country, and restricted the travel of foreign diplomats within the country. However, in December the Government announced it would abolish exit visas effective January 2002. There were no domestic human rights groups because of restrictions on speech and association. In September the Government allowed the Organization For Security and Cooperation in Europe (OSCE) access to a correctional facility and allowed foreign observers in several trial proceedings. Domestic violence against women was a problem, and women experienced discrimination. The Government generally gave favored treatment to ethnic Turkmen over minorities. The Government severely restricted labor rights.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivations of life committed by the Government or its agents during the year.

There were no further developments in the 1999 death of political prisoner and Russian citizen Khoshali Garayev who was found hanged in his cell in the maximum security prison in Turkmenistan.

b. Disappearance

There were no reports of politically motivated disappearances.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture or other cruel, inhuman, or degrading treatment; however, there were widespread credible reports that security officials frequently beat criminal suspects and prisoners and often used force to obtain confessions, although there were fewer such reports than in the previous year. There were credible reports that political prisoners were singled out for cruel treatment. There were reports that prisoners needing medical treatment were beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation, and placement in unsanitary conditions to coerce confessions. There were unconfirmed reports that a member of the Baptist Church was tortured due to his refusal to perform military service. In November 2000, KNB officials in Anau, outside of Ashgabat detained, interrogated, and tortured four ethnic Turkmen Baptists after local police found Christian literature in their car (see Section 2.c.).

Prison conditions were poor, and prisons were unsanitary, overcrowded, and unsafe. Disease, particularly tuberculosis, was rampant. Food is poor and prisoners depend on relatives to supplement inadequate food supplies. Facilities for prisoner rehabilitation and recreation were extremely limited. Some prisoners have died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the severe summer heat. In Turkmenbashi prison, inmates reportedly are housed 14 to a cell and are permitted visits from relatives once every 3 months. Relatives may bring food once every 2 months. Those who do not receive food from relatives suffered greatly. In Kizlkaya prison, near Dashoguz, prisoners were forced to work in a kaolin mine under hazardous and unhealthy conditions (see Section 6.c.).

There are three types of prisons throughout the country: Labor colonies; correctional institutions; and maximum security prisons. Men are held separately from women, and juveniles are held separately from adults. Political prisoners are not held separately, and usually are sent to maximum security facilities. Pretrial detainees are held separately from convicted prisoners in detention centers.

In the past, the Government did not permit independent monitoring of prison conditions; however, on September 12, for the first time and in response to a longstanding request, the OSCE Mission was given permission to visit a correctional facility near Turkmenabat. The visit was scheduled in advance and

Government officials accompanied OSCE representatives. These facts may have affected the conditions observed by the OSCE representatives and the responses of the inmates they interviewed. The OSCE representatives determined that the prison was generally well organized and professionally maintained.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are problems. Those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e., 2.a., and 2.b.).

A warrant is not required for an arrest. A detainee must be charged within 10 days of initial detention and should be afforded the right to call an attorney within 24 hours of his initial detention. Under the law, a person accused of a crime may be held in pretrial detention for up to 10 months; however, in practice authorities often denied these rights.

In November 2000, four ethnic Turkmen Baptists were detained, interrogated, and tortured by KNB officials in Anau after Christian literature was found in their car by local police (see Section 1.c.). In December 2000, the KNB again detained and harassed the same four Baptists in Ashgabat and Turkmenabat. In May a Baptist pastor and two fellow church members were detained and questioned by KNB officials in Mary after the KNB broke up an open air religious service conducted by the pastor outside Mary. Local police officials prohibited the Baptists from returning to Mary.

The Government held political detainees; however, the precise number held at year's end was unknown.

The Government used forced exile and internal exile as punishment during the year. In 1999 President Niyazov announced plans to deport to remote areas any government officials who were found to have committed crimes. During the year, there were reports that former ministers had been ordered to leave Ashgabat and placed under house arrest in their family homes for various criminal accusations after being dismissed by President Niyazov. President Niyazov proposed that the officials, accompanied if they desired by their families, could work off their sentences in exile. Almost all prominent political opponents of the Government have chosen to move to either Russia, Sweden, Norway, or the Czech Republic for reasons of personal safety; none returned during year.

In March 2000, the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by Orazgylychev and his followers; he subsequently was released and sentenced to internal exile in Tedjen (see Section 2.c). This occurred after he reportedly gave an interview to the press that was critical of the President.

e. Denial of Fair Public Trial

The Constitution provides for the independence of the judiciary; however, in practice the judiciary is not independent. The President's power to select and dismiss judges subordinates the judiciary to the Presidency. The President appoints all judges for a term of 5 years. There is no legislative review of these appointments, except for the Chairman (Chief Justice) of the Supreme Court, and the President has the sole authority to remove all appointees from the bench before the completion of their terms.

The court system has not been reformed since the Soviet era. It consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat), and, at the lowest level, 61 district and city courts. The Government abolished all military courts in 1997. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, the right to a defense attorney, access to accusatory material, and the right to call witnesses to testify on behalf of the accused. In practice authorities often deny these rights, and there are no independent lawyers, with the exception of a few retired legal officials, available to represent defendants. When a person cannot afford the services of a lawyer, the court appoints one. A person may represent himself in court.

In practice adherence to due process is not uniform, particularly in the lower courts in rural areas. Even when due process rights are observed, the authority of the government prosecutor is so much greater than that of the defense attorney that it is very difficult for the defendant to receive a fair trial. In past years, foreign diplomats have not had access to several ostensibly open court proceedings; however, in January the Government allowed foreign diplomats access to court hearings of a Pentecostal pastor who was being evicted from his home.

Lower courts' decisions may be appealed, and the defendant may petition the President for clemency. On November 23, the Government announced the release of approximately 9,000 prisoners as part of a presidential amnesty; all were released at year's end. A further 9,000 prisoners were granted a reduction in sentence. In 2000 the Government released political prisoners Nurbedy Nurmamedov and Pirkuli Tanrikuliev.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov; although his sentence was reduced by half in accordance with the November 23 amnesty.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for protection from arbitrary interference by the State in a citizen's personal life; however, government authorities violated this right frequently. There are no legal means to regulate the conduct of surveillance by the state security apparatus, which regularly monitored the activities of government officials, citizens, opponents and critics of the Government, foreign residents, and visitors. Security officials use physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. Critics of the Government, and many other persons, credibly reported that their mail was intercepted before delivery.

In April 2000, the President ordered the implementation of new rules restricting searches of private homes (see Section 2.c.). In June 2000, the legislature formally approved the measures and they became effective immediately. The rules restricting searches on private homes are not enforced in practice.

In the past, the authorities have dismissed children from school and removed adults from their jobs because of the political activities of relatives. During the year, internal security organizations reportedly arrested the relative of a former government official, in part to exert control over that official's political activities, although there may have been legitimate grounds for the arrest. The relatives of a democracy activist convicted on charges of embezzlement lost a government job and access to the state-run university. The authorities also threaten supporters of opposition political movements with loss of employment and homes (see Section 2.b.). In October 2000, President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 2.a.). Bribery has become a main component of the admission process at prestigious departments in universities. Although officially free, admission to many faculties at Turkmen State University in Ashgabat reportedly costs between \$7,000 and \$10,000. Paying bribes for good grades also is a common practice.

During the year, the Government continued to demolish large numbers of private homes in Ashgabat as part of the President's beautification program. The authorities erected additional monuments and luxury apartment buildings which remained vacant, forcing numerous families to find alternate housing. Citizens who built their homes without the approval from the Government were not offered alternate accommodations, despite their personal investment in the property, their length of occupancy, or the degree of hardship they faced as a result. Most had built their homes with the acquiescence of government officials, who extorted bribes to allow the construction. In some cases, the same government officials ordered the subsequent destruction of the homes. Others who had the proper building permits were offered apartments or plots of land in compensation, but such compensation was often not at fair market value for example, desert plots with no amenities, or was inadequate for large families.

On June 4, a Presidential Decree was issued which stated that foreigners or stateless persons cannot marry citizens without meeting several requirements. The noncitizen must have been resident of the country for a year, own a home, be at least 18 years of age, and must post a "divorce bond" of \$50,000 with the Government. There were no reports of marriages in the country under the new law.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, in practice, the Government severely restricts freedom of speech and does not permit freedom of the press. The Constitution states that citizens "have the right to freedom of belief and the free expression thereof and also to obtain information unless it is a state, official, or commercial secret." However, in practice those expressing views critical of or different from those of the Government have been arrested on false charges of committing common crimes (see Sections 1.e. and 2.b.). Criticism of the Government also can lead to personal hardship, including loss of opportunities for advancement and employment (see Section 1.f.).

The Government prohibits the media from reporting the views of opposition political leaders and critics, and it

never allows criticism of the President. The obsessive focus of the media on President Niyazov intensified during the year and amplified the cult of personality centered around the President. Public criticism of government officials is done almost exclusively by the President himself.

The Government funds almost all print media. The Government censors newspapers; the Office of the President's Press Secretary must approve prepublication galleys. There is only one official Turkmen newspaper published in the Russian language. Russian language and foreign newspapers from abroad are not easily obtainable, but can be purchased in kiosks or hotels and by subscription. The Government uses Turkmen language newspapers to attack its critics abroad. In order to regulate printing and copying activities, in 1998 the Government ordered that all publishing houses and printing and copying establishments obtain a license and register their equipment.

The Government completely controls radio and television. Owners of satellite dishes have access to foreign television programming. Use of satellite dishes throughout the country is widespread.

Unlike in the past year, there were no reports of the Government subjecting those responsible for critical foreign press items to threats and harassment.

All publishing companies are state-owned and works by authors of fiction who write about particular periods of history or other topics that are out of favor with the Government are not published. The government-controlled Union of Writers has in the past expelled members who have criticized government policy; libraries have removed their works.

The Government requires all foreign correspondents to apply for accreditation. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights issues.

In 1999 the Government arrested human rights and democracy advocate Vyacheslav Mamedov for remarks attributed to him on a Russian radio broadcast that were critical of the Government's treatment of ethnic Russians. Mamedov was released but he remained under investigation during the year; his nongovernmental organization (NGO) remained unregistered at year's end (see Section 2.b.).

Intellectuals and artists have reported that the security institutions have instructed them to praise the President in their work and have warned them not to participate in receptions hosted by foreign diplomatic missions. The Ministry of Culture must approve plays before they open to the public, ensuring they do not contain antigovernment or antipresidential content. During the year, the President closed the state-sponsored opera and ballet in Ashgabat, claiming that there was no place for such institutions in Turkmen society; however, foreign music is still taught and performed throughout the country.

While Internet access is available, state-owned Turkmen Telecom is the sole Internet provider. In May 2000, the Government withdrew the licenses of all private Internet providers. There were credible reports that the Government took this measure in order to monitor Internet activity, especially electronic mail. Internet access is prohibitively expensive for most citizens. The only Internet provider is state-owned Turkmen Telecom. There was evidence that the Government monitored access to an opposition Web site, based in Russia through Turkmen telecom.

During the year, the Government increased its already significant restrictions of academic freedom. It does not tolerate criticism of government policy or the President in academic circles, and it discourages research into areas it considers politically sensitive, such as comparative law, history, or ethnic relations. No master's degrees or doctorates have been granted in the country since 1998. Although in December the President announced the abolishment of exit visas, during the year, exit visas for study and training abroad, particularly for non-ethnic Turkmen, became more difficult to obtain (see Section 2.d.). The President also decreed that foreign languages in the public education system could be taught only in special language centers and classes. Foreign language instruction also is available in private centers.

During the year, "Ruknhama", the President's spiritual guidebook for the Turkmen, became a basic school text (see Section 2.c.). Teachers were discouraged from bringing alternative viewpoints into the classroom. The works of several writers, poets, and historians were placed on a blacklist because their portrayal of Turkmen history differed from that of the Government. According to an international human rights organization, in April the works were withdrawn from public schools and libraries. Following remarks by President Niyazov on September 2000, in which he criticized an elementary school history textbook for its portrayal of Turkmen history, all copies of the book were recalled from schools and most were destroyed. As a result, scholars are very reluctant to begin textbook projects.

In 2000 President Niyazov called for background checks that would span three generations in order to determine the "moral character" of university students prior to entry (see Section 1.f.).

b. Freedom of Peaceful Assembly and Association

The Constitution allows for peaceful assembly; however, the Government restricts this right in practice. Permits are required for public meetings and demonstrations; however, they rarely are granted and applications are screened carefully. Unregistered organizations, especially those perceived to have political agendas, were not allowed to hold demonstrations. For example, in September there were reports the authorities prevented the demonstration of a group of citizens of Dashoguz who wanted to protest the forced closure of the market by city authorities. According to Government regulations, the demonstrators should have applied for a permit before the event; the Government tried to prevent the demonstration and sent police to disperse the demonstrators. The police failed to break up the demonstration, which resulted in the reopening of the market in Dashoguz.

The Constitution allows for freedom of association; however, the Government restricts this right in practice. No political groups critical of government policy have been able to meet the requirements for registration. The Government uses laws on the registration of political parties to prevent the emergence of potential opposition groups. The only registered political party is the Democratic Party, the former Turkmen Communist Party. It is extremely difficult for new NGO's to register with the Government (see Section 2.a.). NGO's that cannot register successfully with the Government often are forced to join an already registered NGO as a subgroup in order to gain the registered NGO's legal benefits.

The Government does not forbid membership in a political organization; however, in practice those who claim membership in political organizations other than the Democratic Party of Turkmenistan have been harassed and, in the past, tortured.

During September social and cultural organizations without political purposes came under increased pressure by the Government; however, during the year, the Government reportedly registered at least 10 NGO's; these were all social clubs, Sunni Islam associations, or charitable societies. Two registered NGO's that had experienced legal difficulties and were in danger of being closed by the Government early in 2000 had resolved their legal disputes by year's end.

Under the law citizens have the freedom to associate with whomever they please; however, the authorities have fired or threatened to fire supporters of opposition movements from their jobs, removed them from professional societies, and even threatened them with the loss of their homes (see Section 1.f.). In addition, some citizens with links to foreigners are subject to official intimidation.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, in practice the Government exercises control over all forms of religious expression. The Law on Freedom of Conscience and Religious Organizations, which was amended in 1995 and 1996, also provides for freedom of religion; however, in practice the law has been interpreted to restrict the activities of minority religions.

There is no state religion, but a modest revival of Islam has occurred since independence. The Government has incorporated some aspects of Muslim tradition into its efforts to define a Turkmen identity, and the Government pays the salaries of Muslim clerics. However, the Government places some restrictions on Muslims. For example, the Government controls the establishment of Muslim places of worship. The Government also limits access to Islamic education. The Government has concentrated Islamic education at two theological centers, the Theological Faculty at Turkmen State University in Ashgabat and the Zamakhshari Madrasa in Dashoguz; however, in June the Government closed the Zamakhshari Madrasa, leaving only one institution for the study of Islam in the country. The Government also exercises control over the Hajj, the Muslim pilgrimage to Mecca, by choosing the participants. In February only 185 pilgrims were chosen, although the country's quota was 4,600.

Under the Law on Freedom of Conscience and Religious Organizations, all congregations are required to register with the Government; however, in order to register a congregation must have 500 citizens (each at least 18 years old) in every locale in which the congregation wishes to register. The authorities have interpreted the law to mean that a congregation with 500 members throughout the country cannot register; that number must be in a single locale. As a result of these requirements, the Government continued to deny registration to religious communities, except Sunni Muslims and Russian Orthodox Christians most of whom have succeeded in registering.

Nonregistered religious congregations are present in the country, including Bahai's, Baptists, Hare Krishnas, Jehovah's Witnesses, and Pentecostals, among others; however, the Government restricts their activities. They are prohibited from establishing churches and from conducting religious activities including gathering, proselytizing, and disseminating religious materials. The Government's interpretation of the law also limits their ability to meet in private homes. While the Law on Religious Organizations does not prohibit nonregistered religious groups from gathering, government permission is required for any mass meetings or demonstrations for religious purposes. The Law on Public Associations specifically excludes its application in the case of religious gatherings; the authorities have applied this law to limit meetings of nonregistered religious groups, even in private homes. Participants are subject to fines and administrative arrest, according to the country's administrative code, and, once administrative measures are exhausted, are subject to criminal prosecution. In such cases, the Soviet-era 1988 regulation on the "procedure for conducting gatherings, meetings, marches, and demonstrations" is applied, although gatherings in private homes are not within the scope of this regulation.

The Government disrupted a number of religious gatherings of unregistered groups and punished some persons for holding such gatherings. In March an unregistered Baptist congregation was evicted from the private house in which they had held religious services. In April a Jehovah's Witness service in a private apartment was disrupted by a group of KNB, police, and city officials. In April a Pentecostal pastor lost his court battle against eviction from the house in which he held religious services. The Ashgabat city government claimed that he had made unauthorized renovations, which rendered it unsafe for occupation. Despite the pastor's intention to appeal, the city allowed 20 workers to live in the house. In May after breaking up an open-air religious service conducted by a Baptist pastor outside Mary, KNB in Mary detained the pastor and two fellow church members and questioned them for several hours. The Baptists were prohibited from returning to Mary. In June the city of Ashgabat determined that the owner of the apartment, a member of Jehovah's Witnesses, should be evicted. The city authorities declared that the tenant would not be provided with another apartment, because she had used it for holding unauthorized religious meetings. There were reports that on September 4, the police, district administration, and the KNB raided a prayer meeting held by the Greater Grace Protestant Church in Ashgabat. All those present reportedly were detained and interrogated by the officials. The Protestants were told that they were not allowed to meet for prayer because their church was not registered.

Unregistered religious groups face government harassment if they attempt to distribute religious literature. In November 2000, four ethnic Turkmen Baptists were detained, interrogated, and tortured by KNB officials in Anau, outside of Ashgabat, after Christian literature was found in their car by local police.

In 1999 the Government demolished the Seventh Day Adventist church in Turkmenbat. In October 2000, the Adventist pastor was detained and questioned in Turkmenabat after police and KNB officials broke up a religious service he was conducting in a private apartment. He subsequently was released and was not tried, but the owner of the private apartment was tried on charges of sponsoring an unregistered religious group. The court confiscated the apartment and the owner decided to leave the country. In December 2000, three Turkmen Baptists were forced to sign documents relinquishing to the Government their homes that they had used for religious purposes.

The state-supported Council on Religious Affairs (CRA) is part of the government bureaucracy and appears to exercise direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, despite the fact that this role is not listed among the CRA's duties in the Law on Religion.

Foreign missionary activity is prohibited, although there is evidence that both Christian and Muslim missionaries are present in the country.

According to Human Rights Watch in January, the President claimed that during 2000, law enforcement agents had confiscated 350,000 religious books and 80,000 cassettes that were incompatible with the country's faith. In March authorities banned the sale of Bibles in Russian or Turkmen.

The Government beat, detained, and otherwise harassed adherents of some religious groups. For example, the Government restricts the travel of clergy or members of religious groups to the country. Ethnic Turkmen who have converted to Christianity have been subjected to official harassment and mistreatment. Ethnic Turkmen members of unregistered religious groups who are accused of disseminating religious material receive harsher treatment than nonethnic Turkmen, especially if they have received financial support from foreign sources.

In February the local authorities of the Niyazov district of Ashgabat reportedly closed the country's last functioning Baptist church. In March the authorities reportedly broke the seals and removed all of the church's contents. The church had been in existence for 20 years and was owned corporately by the congregation,

which had been registered under the Soviets but had lost registration in 1997 under the new law.

In February human rights organizations and the international press reported that Shagged Atakov, a prominent member of the Baptist faith, had suffered a heart attack in prison and was gravely ill. Atakov has been in prison since 1999 for allegedly making an illegal transfer of automobiles in 1994. His original sentence of 2 years was extended to 4 years when the prosecutor protested the leniency of the original sentence. Atakov was fined \$12,000, an unusually large fine for such an offense. Atakov has continued to deny the charges and maintains that he was imprisoned due to his religious beliefs. Following requests from foreign diplomats in March and April, Atakov was transferred to the prison hospital near Mary. After his recovery, the Government agreed to allow foreign diplomats to meet with Atakov in Ashgabat and with his family in Kakkha to discuss Atakov's situation. In December Atakov's prison sentence was reduced.

Several members of Jehovah's Witnesses who had been imprisoned for conscientious objection were not released at the end of their term because they refused to swear an oath of loyalty to the President.

In the past, the Government has mistreated dissident Muslims. In March 2000, the Government arrested religious leader Hoja Ahmed Orazgylychev and tore down an unregistered mosque and religious school run by him and his followers. President Niyazov ordered that all copies of Orazgylychev's Turkmen translation of the Koran be burned. Orazgylychev subsequently was released and sentenced to internal exile (see Section 1.d.). He earlier had criticized President Niyazov for directing that Turkmen children dance around a Christmas tree during New Year's celebrations (see Section 1.d.).

The Government has attempted to restrict the freedom of parents to raise their children in accordance with their religious beliefs. When an Adventist pastor was detained in Turkmenabat in October 2000, one of the Government's formal charges against him was that he was corrupting minors because children of congregation members were present at the prayer service.

In October the President published a spiritual and historical guidebook for the nation entitled "Rukhnama." The President is attempting to use these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby shape citizens' religious and cultural behavior. There has been intense Government promotion of the text as one upon which all actions and behavior in the country should be based. Prizes have been created to award citizens who faithfully follow Rukhnama's code and most high-level Government officials are required to own a copy of the book.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government restricted both freedom of movement within the country and travel abroad to all citizens of the country, and restricted the travel of foreign diplomats within the country.

Citizens still carry internal passports. These documents are used primarily as a form of identification, rather than as a means of controlling movement. The Government has tightened restrictions on travel to border cities and regions, and has declared large parts of the country restricted zones. Residence permits are not required, although the place of residence is registered and noted in passports.

The Government used its power to issue passports and exit visas as a means of restricting international travel; however, in December the President announced the abolishment of exit visas. Any citizen who wished to visit a foreign country had to obtain an exit visa, which could take up to 5 weeks to process. During the year, many exit visas were denied for political reasons. During the year, exit visas for study and training abroad, particularly for nonethnic Turkmen, became more difficult to obtain (see Section 2.a.). According to the decree, as of January 1, 2002, a foreign entry visa or an invitation to travel outside of the country will suffice. Certain categories of citizens, including convicted criminals, those required to complete compulsory military service, and those with access to state secrets, are not affected by the decree.

Most citizens are permitted to emigrate without undue restriction, although there were credible reports that authorities harassed those who intended to emigrate or who had emigrated and returned to the country for a visit.

The Government discourages immigration by ethnic Turkmen living in Iran, Iraq, Turkey, and other countries and immigration by non-Turkmen from the former Soviet Union (see Section 5).

The law provides for the granting of refugee and asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The law establishes procedures and conditions for recognizing refugee status and sets the legal, economic, and social rights of refugees. The

country provides first asylum if the person is recognized under the mandate of the U.N. High Commissioner for Refugees (UNHCR). The Government has granted refugee or asylee status to some ethnic Turkmen from Afghanistan and has allowed some Tajik refugees and migrants to reside in the country. During the year, between 30 and 40 persons were granted first asylum. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. After the start of international military operations in Afghanistan, the Government agreed to increase its cooperation with the UNHCR, the International Organization for Migration (IOM), and other international refugee and relief agencies to assist refugees from Afghanistan. The Government also played an important role in facilitating the flow of humanitarian assistance for refugees who remained in Afghanistan.

The UNHCR confirmed reports that individual border guards forcibly returned a group of Afghan refugees after the initiation of military operations in Afghanistan. However, according to the UNHCR, this was not part of a pattern of abuse or forced expulsion of refugees, but rather an incident of low-level harassment.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens do not have the ability to effect peaceful change in the Government and have little influence on government policy or decisionmaking. The 1992 Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of government, but vests a disproportionate share of power in the Presidency. In practice President Niyazov's power over the state was absolute; despite the appearance of decisionmaking by consensus, most decisions are made at the presidential level, and the country remained a one-man state. In 1999 the Elder Council (Halk Maslahaty) proposed, and the newly elected Parliament approved, a law making an exception to the constitutionally mandated maximum of two 5-year terms for the President; however, the exception only applies to Niyazov, as the country's first president, conferring on him a lifetime term in office. During the year, Niyazov stated publicly that he would step down in 2010.

In the 1992 presidential election, the sole candidate was Saparmurat Niyazov, the incumbent and nominee of the Democratic Party. The Government announced the election barely a month before the voting day, giving opposition groups insufficient time to organize and qualify to submit a candidate. A 1994 national referendum, which was neither free nor fair, extended the President's term to 2002, obviating the need for the scheduled presidential election in 1997. According to the official results, 99.9 percent of those voting cast their ballots to extend his term. The policy of the Democratic Party, according to its leadership, is to implement the policy of the President. In 1999 the Government changed the national oath to require that citizens swear personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

The 50-member Parliament (Mejilis) routinely supports presidential decrees and has no real independence. In the 1994 Parliamentary elections, no opposition participation was permitted. The Government claimed that 99.8 percent of all eligible voters participated. In 1998 President Niyazov promised that the parliamentary elections scheduled for December 1999 for a reconstituted Parliament would be free and fair and conducted on a wide democratic basis; however, the elections were flawed seriously. Although there were at least two candidates for each Mejilis seat, every candidate was selected by the Government, and there was no open discussion of the issues. The Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE declined to send an observation or limited assessment mission for the elections. In its public explanation, ODIHR cited serious concerns that the broad electoral framework in the country fell short of its OSCE commitments. The Government claimed that 98.9 percent of eligible voters participated. Diplomatic observers noted many empty polling stations, extensive use of mobile ballot boxes, and numerous instances of family voting.

In 1998 President Niyazov called for local councils and village leaders to have greater power and authority to deal with local issues; however, in practice even local leaders were selected and dismissed by the President and were reluctant to make decisions without his approval.

In 1998 the President announced that any Turkmen citizen who desired to write to him with a complaint could do so directly. Special mailboxes were set up throughout the country and, in the first year, approximately 140,000 letters were received by the President. Reportedly citizens continued to write to the President because these letters often were cited in the local media, but the numbers received during the year were not reported.

The percentage of women in government and politics does not correspond to their percentage in the population, although there are no legal restrictions on the participation of women in the political process. Thirteen members of the 50-member Mejilis are female. Women serve in the following positions: Deputy Chairman for Economy and Finance; Prosecutor General; Ambassador to the U.N.; Chief of Presidential Protocol; Head of the Mejilis (Parliamentary) Committee on Science, Education, and Culture; Deputy Minister

for Economy and Finance; and Deputy Minister for Social Protection. No women serve as provincial governors (Hakims); however, the position of deputy Hakim often is given to a woman.

The percentage of minorities in government and politics does not correspond to their percentage of the population, although there were no legal restrictions on the participation of minorities in the political process. However, preference is given to ethnic Turkmen. The Mejlis consists of 48 ethnic Turkmen, 1 ethnic Russian, and 1 ethnic Uzbek. The largest tribe--Teke--holds the most prominent roles in cultural and political life. Observers believed that the Government's preference for ethnic Turkmen officials reflects a desire to overcome the Soviet period when Turkmen were treated as second class citizens.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are no domestic human rights monitoring groups, and government restrictions on freedom of speech, press, and association make it extremely difficult to investigate and criticize publicly the Government's human rights policies. Government officials are not cooperative and responsive to their views. Several independent journalists based in Russia report on human rights in the Russian press and have contact with international human rights organizations. On numerous occasions in the past, the Government has warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

In March local KNB officials and tax police repeatedly harassed two NGO's in Turkmenbashi. The new Hakim in Turkmenbashi told the leader of one of the NGO's that the harassment was ordered by his predecessor, who was embarrassed by a conference that the two NGO's held on the role of NGO's in the country.

There are no international human rights NGO's operating in the country.

In September the Government allowed the OSCE to visit a correctional facility (see Section 1.c.). The OSCE also was permitted to attend court trials during the year (see Section 1.e.).

In 1999 President Niyazov established a human rights commission, which he nominally heads. The commission oversees the work of law enforcement agencies, the military, and the judiciary, but it appears to have little real authority. The commission continued to receive complaints during the year. The commission is subordinate to the National Institute for Democracy and Human Rights under the President, which has been in operation since 1997. The institute's mandate is to support the democratization of the Government and society and to monitor the protection of human rights. The institute maintains four full-time staff members to receive and resolve citizen complaints of arbitrary action. In general the institute conducts a study of complaints and returns its findings to the individual and the organizations involved; however, the institute is not an independent body, and its ability to obtain redress is limited by government interests. In October the Government published a book by the institute containing a collection of Noyazov's speeches praising the country's human rights record.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for equal rights and freedoms for all, independent of nationality, origin, language, and religion, and further specifies equal rights before the law for both men and women. However, cultural traditions and the Government's policy of promoting Turkmen nationalism limit the employment and educational opportunities of women and nonethnic Turkmen.

Women

Anecdotal reports indicate that domestic violence against women was common, but no statistics were available. The subject is not usually discussed in society, and the majority of victims of domestic violence keep silent, partly because they are unaware of their rights, or because they are afraid of increased violence from their husbands and relatives. However, in April the Women's Union, a government-sponsored NGO cohosted a seminar on women's rights that focused on domestic violence. There were no court cases and no references to domestic violence in the media. One unofficial group to support battered women operates in Ashgabat. The law states that rape is illegal and these laws were enforced effectively.

Prostitution is illegal and it was a growing problem due to few educational and occupational opportunities for young women.

There is no law that specifically prohibits sexual harassment; however, a case could be tried under existing legislation. Anecdotally, sexual harassment is said to exist in the workforce; however, the Government does

not discuss this topic publicly.

Women are underrepresented in the upper levels of state-owned economic enterprises and are concentrated in the health care and education professions and in service industries. Women are restricted from working in some dangerous and environmentally unsafe jobs. However, the military academy is scheduled to graduate its first class of female cadets in 2002. Under the law, women enjoy the same inheritance and marriage rights as men. However, in traditional Turkmen society, the woman's primary role is as homemaker and mother, and family pressures often limited opportunities for women wanting to enter careers outside the home and advance their education. Religious authorities, when proffering advice to practicing Muslims on matters concerning inheritance and property rights, often favor men over women.

There is only one officially registered women's group, which is headed by the Deputy Chairperson of the Mejlis and dedicated in honor of the President's mother. The Government does not acknowledge that women suffer discrimination, and therefore has no specific program for rectifying women's disadvantaged position in society.

Children

The Government's social umbrella covers the welfare needs of children; however, the Government has not taken effective steps to address the environmental and health problems that have led to a high rate of infant and maternal mortality. In 1999 the Government cut the number of years of basic education from 10 to 9 years; however, children in their eighth, ninth, or tenth year of education at the time were not affected. There is little difference in the education provided to girls and boys.

Education is free and compulsory; however, class sizes in the country continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. During the year, the number of teachers in the country was reduced by 10,000 as in accordance with a presidential decree in 2000. Educators were concerned that this exacerbated the problems of already crowded classrooms and overworked teachers, and further reduced the quality of education in the country. The ostensible reason for the reduction was to increase salaries for the remaining teachers; however, past similar promises have been unfulfilled, and teachers routinely were paid 2 to 3 months late. Wages for teachers and administrators are in arrears in many districts; this, coupled with the fact that salaries are low, has caused some teachers to leave the field and seek jobs in the private sector, increasing the ratio of pupils to teachers.

There is no societal pattern of abuse against children. During the annual cotton harvest, some schools in agricultural areas are closed and students work in the fields.

Persons with Disabilities

There is some discrimination against persons with disabilities in employment, education, and the provisions of state services. The Government does little for persons with disabilities. Although some societal discrimination exists, many citizens engage in activities to assist persons with disabilities. Government subsidies and pensions are provided for persons with disabilities, although the pensions are inadequate to maintain a decent standard of living. Pensions usually range between \$10 to \$30 per month (200,000 to 300,000 manats). Care for persons with disabilities is provided at the local level. Disabled children, including those with mental disabilities are placed in boarding schools, in principle with educational and future employment opportunities provided if their condition allows for them to work; in practice neither is provided. The psychological hospital in Bekrova and the psychological clinic in Gok Tepe were closed in 2000. In 2000 a psychiatric hospital opened in Dashoguz for those in need of in-patient care. There also is a hospital for the criminally insane in Lebap Velayat. Out-patient facilities exist in Ashgabat, Yoloten, and Tedjen. In theory patients receive food, clothing, and medical care at in-patient facilities; however, in practice, supplies are inadequate and services are poor.

According to existing legislation, facilities to allow access by the disabled must be included in new construction projects; however, compliance with the legislation is inconsistent and most older buildings are not so equipped.

Religious Minorities

The majority of the population is Sunni Muslim. Ethnicity and religion are acquired at birth. Although most citizens do not emphasize mosque attendance or observance of many Islamic customs practiced in other parts of the Muslim world, they view being Muslim as an integral part of the national culture and of Turkmen identity. The societal attitude toward conversion from Islam to any other religion generally is surprise, and often disapproval.

National/Racial/Ethnic Minorities

The Constitution provides for equal rights and freedoms for all citizens. Approximately 77 percent of the population is Turkmen; Uzbeks make up 9 percent; and Russians 7 percent. There are smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. The country has not experienced ethnic turmoil since independence.

As part of its nation-building efforts, the Government has attempted to foster Turkmen national pride, in part through its language policy. The Constitution designates Turkmen as the official language, and it is a mandatory subject in school, although it is not necessarily the language of instruction.

The Constitution also provides for the rights of speakers of other languages to use such languages. While Russian remained common in commerce and everyday life, during the year, the Government has intensified its campaign to conduct official business solely in Turkmen. In the past, the President publicly has criticized some high-ranking government officials for their failure to speak Turkmen. In accordance with his directives, Russian language usage in newspapers has been cut back sharply during the past few years (see Section 2.a.). There is only one official Turkmen newspaper published in the Russian language. Nonethnic Turkmen employees at government ministries reportedly were given until December 1999 to learn Turkmen, and there have been reports that some government employees, such as doctors and teachers, have been dismissed from their positions because they failed to learn the language.

Non-Turkmen fear that the designation of Turkmen as the official language places their children at a disadvantage educationally and economically. They complain that some avenues for promotion and job advancement are no longer open to them. Only a handful of non-Turkmen occupy high-level jobs in the ministries, and there are reports that managerial positions were closed to non-Turkmen. As a result of these restrictions, more and more ethnic Russians view their situation in the country as deteriorating and are seeking citizenship in Russia.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the law do not provide for the right to form or join a union. While no law specifically prohibits the establishment of independent unions, there are no such unions, and no attempts were made to register an independent trade union during the year. The Government controls all trade unions. The Colleagues Union is the only legal central trade union federation permitted, and it claims a membership of 1.3 million; its member unions are divided along both sectoral and regional lines. Unions may not form or join other federations.

The law neither prohibits nor permits strikes, and it does not address the issue of retaliation against strikers. Strikes are extremely rare, and no strikes were known to have occurred during the year.

There was no information available on union affiliation with international unions.

b. The Right to Organize and Bargain Collectively

The law does not protect the right to collective bargaining. In practice in the state-dominated economy, the close associations of both trade unions and state-owned enterprises with the Government seriously limits workers' ability to bargain. The Ministry of Economics and Finance prepares general guidelines for wages and sets wages in health care, culture, and some other areas. In other sectors, it allows for some leeway at the enterprise level, taking into account local factors. The Government determines specific wage and benefit packages for each factory or enterprise. Workers, including teachers, often went months without pay or received their paychecks late (see Section 5). The law does not prohibit antiunion discrimination by employers against union members and organizers, and there are no mechanisms for resolving such complaints.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor; however, there were reports in 2000 of prisoners being forced to work in a kaolin mine in Kizlkaya prison, near Dashoguz, under hazardous and unhealthy conditions (see Sections 1.c. and 2.b.).

The Government prohibits forced and bonded labor by children and generally enforces this prohibition

effectively, with the exception of children who work in cotton harvesting in rural areas (see Sections 5 and 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment of children is 16 years; in a few heavy industries, it is 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday is 8 hours). A 15-year-old child may work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely is granted.

Violations of child labor laws occur in rural areas, particularly during the cotton harvesting season, when teenagers work in the fields (see Section 5). At times children as young as 10 years of age help with the harvest for up to 2 months. The Government strongly encourages children to help in the cotton harvest, families of children who do not help may experience harassment by the Government. The Government has not signed ILO Convention 182 on the worst forms of child labor.

The Government prohibits forced and bonded labor by children and generally enforces this prohibition effectively, with the exception of cotton harvesting in rural areas.

e. Acceptable Conditions of Work

There is no minimum wage. In 1999 the Government raised the average wage in the state sector to approximately \$77 (400,000 manats) per month at the official rate. While the Government subsidizes the prices of many necessities and provides others free of charge, this wage does not provide a decent standard of living for a worker and family. Most households are multigenerational, with several members receiving salaries, stipends, or pensions; however, many persons lack the resources to maintain an adequate diet, and meat is a luxury for most citizens.

The standard legal workweek is 40 hours with 2 days off. Individuals who work fewer hours during the week or are in certain high-level positions also may work on Saturdays.

During the Soviet era, production took precedence over the health and safety of workers; legacies of this system remain. Industrial workers often labor in unsafe environments and are not provided proper protective equipment. Some agricultural workers are subjected to environmental health hazards. The Government recognizes that these problems exist and has taken some steps to address them, but it has not set comprehensive standards for occupational health and safety. Workers do not always have the right to remove themselves from work situations that endanger their health or safety without jeopardy to their continued employment.

f. Trafficking in Persons

The law does not prohibit specifically trafficking in persons, but there were no reports that persons were trafficked to, from, or within the country. There were unconfirmed and anecdotal reports of women from the country traveling to Turkey and the United Arab Emirates and working as prostitutes in 1999; however, due to the Government's tightening of exit visas during the year, it was more difficult than in the past for persons to leave the country.

The Penal Code prohibits prostitution, which is punishable by 2 years' imprisonment or hard labor. The penalty for involvement of a minor in prostitution or using force, threat, or blackmail to involve someone in prostitution is 3 to 8 years' imprisonment. The penalty for procuring persons for prostitution is 3 to 8 years' imprisonment with the possibility of confiscation of property.

The Government does not have programs in place to combat trafficking in persons, but cooperates with the International Organization for Migration (IOM) in educational efforts on this topic.